

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN LUTHER KING, JR.
COUNTY, *et al.*,

Plaintiffs,

v.

SCOTT TURNER in his official capacity
as Secretary of the U.S. Department of
Housing and Urban Development, *et al.*,

Defendants.

**DECLARATION OF
PAUL OCHOA**

Pursuant to 28 U.S.C. § 1746(2) I, Paul Ochoa, declare as follows:

1. I am the Executive Deputy Commissioner at the New York City Department of Transportation (“NYC DOT”) and have served in this role since 2022.

2. NYC DOT is responsible for one of the most complex urban transportation networks in the world, including 6,300 miles of streets and highways, approximately 800 bridges and tunnels, and 13,500 signalized intersections. I submit this Declaration in support of the Plaintiffs’ request for a preliminary injunction and/or temporary restraining order.

3. I make this declaration in my capacity as Executive Deputy Commissioner of NYC DOT and based on my personal and professional knowledge, conversations with relevant NYC DOT staff, and a review of records in NYC DOT’s possession.

4. As part of my work at NYC DOT, I have knowledge of federal competitive grants, formula funds, and cooperative agreements awarded to the City of New York and administered by NYC DOT, including those from the United States Department of Transportation (“US DOT”) through the Federal Highway Administration (“FHWA”) and/or Federal Transit Administration (“FTA”), and those passed to NYC DOT through the New York State Department of Transportation (“NYS DOT”).

Transportation Projects Rely on Grants from US DOT

5. Transportation projects are complex and often take years of planning before construction begins. Projects are typically identified, developed, and funded over several years, or even decades, and involve close coordination by partners at the local, state and federal levels.

6. Federal funds are essential to advance significant capital improvements to bridges, roads, public spaces, and sidewalks throughout the City. Separate federal programs enable the City to keep existing infrastructure in a good state of repair, and expand access to people with mobility challenges consistent with legal requirements such as the Americans with Disabilities Act. Funding decisions are often made after there has been back and forth between the governmental partners and practical impediments are identified and assessed.

7. NYC, through various of its agencies, receives hundreds of millions of dollars in federal funding from components of the US DOT, such as FHWA and FTA, as a direct recipient or sub-recipient.

The April 24, 2025 Duffy Letter

8. On April 24, 2025, NYC DOT received a letter from United States Secretary of Transportation Sean Duffy (the “April 24 Duffy Letter”) which purported “to clarify and reaffirm pertinent legal requirements, to outline the Department’s expectations, and to provide a reminder of your responsibilities and the consequences of noncompliance with Federal law and the terms of your financial assistance agreements,” including “terminat[ion of] funding.”

9. The April 24 Duffy Letter stated that “policies or practices designed to achieve so-called ‘diversity, equity, and inclusion,’ or ‘DEI,’ goals, presumptively violate[] Federal law,” asserted that recipients’ “legal obligations require cooperation generally with Federal authorities in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in the enforcement of Federal immigration law,” and claimed that there are “reported instances where some recipients of Federal financial assistance have declined to cooperate with ICE investigations, have issued driver’s licenses to individuals

1 present in the United States in violation of Federal immigration law, or have otherwise acted in a
 2 manner that impedes Federal law enforcement.” It warned that “failure to cooperate . . . in the
 3 enforcement of Federal law” will “jeopardize your continued receipt of Federal financial
 4 assistance from DOT and could lead to a loss of Federal funding from DOT.”

5 **US DOT Grants Affected by New Post-Award Conditions**

6 10. A number of US DOT grants that NYC was previously awarded are now subject
 7 to US DOT’s post-award imposition of new conditions concerning DEI and immigration
 8 enforcement.

9 11. In total, NYC has received over \$310 million in competitive US DOT grants that
 10 may be subject to these conditions, approximately \$263 million from FHWA and approximately
 11 \$47 million from FTA. These US DOT grants include a \$4,410,560 grant from FHWA for NYC
 12 DOT’s Automated Roadway Inspections project under the federal government’s Advanced
 13 Transportation Technologies and Innovation Program (“ATTAIN”). The ATTAIN grant program
 14 “provides funding to deploy, install, and operate advanced transportation technologies to
 15 improve safety, mobility, efficiency, system performance, intermodal connectivity, and
 16 infrastructure return on investment.” [https://www.transportation.gov/rural/grant-
 17 toolkit/advanced-transportation-technologies-and-innovative-mobility-deployment.](https://www.transportation.gov/rural/grant-toolkit/advanced-transportation-technologies-and-innovative-mobility-deployment)

18 12. NYC was awarded the FY 2023-24 ATTAIN grant on October 21, 2024. See
 19 [https://ops.fhwa.dot.gov/infrastructure-investment-and-jobs-act/ATTAIN/fy2023-
 20 2024/awards/index.htm](https://ops.fhwa.dot.gov/infrastructure-investment-and-jobs-act/ATTAIN/fy2023-2024/awards/index.htm).

21 13. NYC received the grant agreement on April 28, 2025. A copy of the email
 22 awarding the grant is annexed hereto as Exhibit A. On May 6, 2025, US DOT informed NYC
 23 DOT that it should return the signed agreement within the next “7 to 14 days.” Subsequently, at
 24 NYC DOT’s request, US DOT agreed that NYC DOT could return the agreement by June 13,
 25 2025.

26 14. The FY2023-24 ATTAIN grant agreement (annexed hereto as Exhibit B)
 27 incorporates by reference the FHWA Competitive Grant Program General Terms and Conditions

1 dated April 22, 2025, which includes new conditions that were not part of any terms and
2 conditions that were applicable to the ATTAIN grant when NYC DOT submitted the application
3 or at the time NYC DOT received the award from FHWA.

4 15. The new conditions that FHWA included in the grant agreement provide that “the
5 Recipient will cooperate with Federal officials in the enforcement of Federal law, including
6 cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other
7 Federal offices and components of the Department of Homeland Security in the enforcement of
8 Federal immigration law” and that “the Recipient certifies that it does not operate any programs
9 promoting diversity, equity, and inclusion (DEI) initiatives that violate any applicable Federal
10 anti-discrimination laws.”

11 16. NYC was awarded the ATTAIN grant to pioneer an automated roadway
12 inspection system integrating dashcam and aerial data with sophisticated artificial intelligence
13 and data analytics to enhance proactive maintenance of over 6,300 miles of pavement and 200
14 million linear feet of road markings. This project would help NYC DOT proactively identify
15 roadways in critical condition more efficiently and reallocate resources to inspect more roadways
16 that need further scrutiny, not only improving pavement and road marking quality for commuters
17 and freight vehicles from the tri-state area and beyond, but potentially also providing a model of
18 the successful deployment of a technology that could be scaled and replicated in other cities
19 across the country.

20 17. In the absence of the ATTAIN funding, the City will continue the existing labor-
21 intensive roadway inspection process it currently has in place and will need to either identify or
22 divert other City resources if it wants to be able to make these improvements without the federal
23 funding that was awarded for this purpose. Until the City is able to make the transition to the
24 inspection system that is funded by the roadway markings and roadway resurfacing efforts will
25 be inspected less efficiently.

26 18. In addition to the ATTAIN grant, NYC DOT was awarded \$29,750,000 from
27 FHWA under the FY 2023 Safe Streets and Roads For All (“SS4A”) Grant Program. NYC

1 received the FY 2023 SS4A grant agreement on December 14, 2023, and anticipates executing
 2 the grant agreement by September 30, 2025, the close of the federal fiscal year. A copy of the
 3 email dated December 14, 2023 awarding the grant is annexed hereto as Exhibit C.

4 19. The FY 2023 SS4A grant agreement (annexed hereto as Exhibit D) incorporates
 5 by reference the General Terms and Conditions under the Fiscal Year 2023 Safe Streets And
 6 Roads for All Grant Program: FHWA Projects (Revision 4, dated March 17, 2025), which
 7 includes new conditions that were not part of any terms and conditions that were applicable to
 8 the grant application or award.

9 20. As with the ATTAIn grant, the newly-imposed conditions provide that “the
 10 Recipient will cooperate with Federal officials in the enforcement of Federal law, including
 11 cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other
 12 Federal offices and components of the Department of Homeland Security in the enforcement of
 13 Federal immigration law” and “by entering into this agreement, the Recipient certifies that it
 14 does not operate any programs promoting diversity, equity, and inclusion (DEI) initiatives that
 15 violate any applicable Federal anti-discrimination laws.”¹

16 21. NYC was awarded the SS4A grant to address safety issues on Queens Blvd.
 17 resulting from being a high-speed corridor with limited crossing opportunities and facilities for
 18 pedestrians, cyclists, and other vulnerable road users. The project will construct elevated
 19 crosswalks and pedestrian malls, enhanced medians and pedestrian refuge islands, and elevated
 20 protected bicycle lanes. The project also includes supplemental planning to enhance surveillance
 21 on traffic-related fatalities and injuries not routinely available in police crash reports. In addition,
 22 NYC will retrofit a portion of fleet vehicles with active and centrally managed Intelligent Speed
 23 Assist to prevent speeding as a demonstration activity.

24
 25
 26
 27 ¹ These same conditions are also included in the FHWA Competitive Grant Program General Terms and Conditions dated April 22, 2025.

22. In the absence of this grant, NYC DOT would have to divert funding from other projects to complete the lifesaving interventions funded by this project, straining resources available to other projects implemented by DOT.

23. US DOT awarded NYC DOT many other grants that are subject to the FHWA Competitive Grant Program General Terms and Conditions and/or FTA Master Agreement. These grants therefore are now or will be subject to US DOT's post-award imposition of the same new immigration enforcement and DEI conditions that US DOT incorporated into the ATTAIN and SS4A grants.

24. For example, NYC DOT was awarded \$15 million in Charging and Fueling Infrastructure funds from FHWA to design and expand its network of curbside charging infrastructure. NYC DOT executed a partial obligation of \$933,019 on January 13, 2025. An amended grant agreement will be needed upon completion of preliminary design to begin construction. Per the April 24 Duffy Letter, we anticipate that any such amended grant agreement will include the new conditions.

25. Additionally, NYC receives approximately \$250 million in formula grant funds per year, including approximately \$242 million from FHWA and approximately \$8 million from FTA, as set forth below: These grants are for roadway, bridge, transit, air quality, and safety improvements through federal programs such as National Highway Performance Program (NHPP), Surface Transportation Block Grant (STBG), Congestion Mitigation and Air Quality Improvement Program (CMAQ), Highway Safety Improvement Program (HSIP), Carbon Reduction Program (CRP), and Urbanized Area Formula Grants Section 5307. Pursuant to the April 24 Duffy Letter, we expect all of these grants to be subject to the same new conditions that were added into the FHWA and FTA Competitive Grant Program General Terms and Conditions.

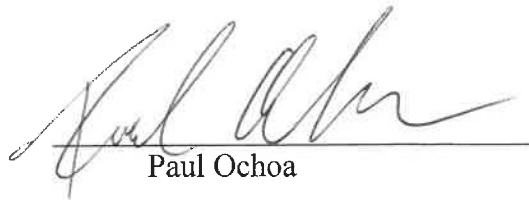
Irreparable Harm from Loss of Funding

26. The imposition of the new conditions impose a Hobson's choice by requiring NYC DOT to choose between acquiescence in unlawful and ambiguous conditions that were not

1 part of the various programs to which NYC applied and was awarded, or foregoing hundreds of
2 millions of dollars in funds for vital transportation projects. Loss of federal funds for the
3 programs identified above would prevent the commencement and completion of current and
4 future projects necessary to NYC DOT's mission to the detriment of the City of New York's
5 vitally important roads, sidewalks and bridges and would lead to projects being delayed or
6 abandoned altogether, and associated cost increases. The loss of these funds could lead to the
7 cancellation of projects necessary for keeping transportation infrastructure in a state of good
8 repair, the loss of staff needed to maintain and improve infrastructure, and the need to divert
9 resources or otherwise forego other projects that would otherwise improve the lives of New
10 Yorkers, commuters, and those traveling to or through the City.

11 27. I declare under penalty of perjury that the foregoing is true and correct.

12 EXECUTED this 19 day of May, 2025.

13
14 
15 Paul Ochoa

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov <i>Attorneys for Defendants Scott Turner, U.S. Dept. of Housing and Urban Development, Sean Duffy, U.S. Dept. of Transportation, Tariq Bokhari, the Federal Transit Administration, Gloria M. Shepherd, the Federal Highway Administration, Chris Rocheleau, the Federal Aviation Administration, Drew Feeley, the Federal Railroad Administration</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 21st day of May, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio
 Litigation Assistant
 Pacifica Law Group LLP

CERTIFICATE OF SERVICE

PACIFICA LAW GROUP LLP
 401 UNION STREET
 SUITE 1600
 SEATTLE, WASHINGTON 98101
 TELEPHONE: (206) 245-1700
 FACSIMILE: (206) 245-1750

EXHIBIT A

From: [Price, Anna \(FHWA\)](#)
To: [Siegel, Maxwell](#)
Cc: [Reovan, Andrew \(FHWA\)](#); [Rich, Azikiwe](#); [Cuadra, Catrina \(Consultant\)](#); [Seidi-Gbamuse, Adeleke](#); [Dwarka, Ray](#); [Peters-Smith, Renee](#)
Subject: [EXTERNAL] FW: ATTAIN and Grant Solutions
Date: Monday, April 28, 2025 11:46:22 AM
Attachments: [image001.png](#)
[ATTAIN Recipient Account Creation communication-DGCD v4.docx](#)
[Recipient GrantSolutions Account Instructions.docx](#)
[FW GrantSolutions Training for Recipients \(ATTAIN Pollinators and Wil... \(70.6 KB\).msg](#)
[FHWA_GS_GA ATTAIN FY 2023-24 Schedules-Amendments Template 2025-0416.docx](#)
[FHWA Grant Program General Terms and Conditions 2025-0422.docx](#)
[FHWA Grant Program General Terms and Conditions 2025-0422.pdf](#)
[FHWA Grant Program Exhibits 2025-0416.pdf](#)
[FHWA_GS_GA ATTAIN FY 2023-24 Schedules-Amendments Instructions 2025-0416.docx](#)
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Good Morning Max-

Here is the FHWA_GS_GA ATTAIN FY 2023-24 Schedules-Amendments Template for you to use. I've also attached the FHWA Grant Program General Terms and Conditions and Exhibits.

For convenience, I have also attached the FHWA Grant Program General Terms and Conditions and the FHWA Grant Program Exhibits, available through the embedded links.

Please fill out only what is in **RED** font, as it applies to your project and your application.

Additionally, enclosed is information about Grant Solutions – creating an account and the webinar training for tomorrow.

When you completed the draft grant agreement, please send it to Andrew and myself for review.

If you have any questions, please don't hesitate to reach out.

Thank you,

Anna Price

Director, Office of Program Management

FHWA New York Division

Leo O'Brien Building

11A Clinton Ave, Suite 719

Albany, NY 12207

518-431-8858

From: Garling, Jim (FHWA)

Sent: Friday, April 25, 2025 10:42 AM

To: Attah, Ivy (FHWA) ; Brew, Donnie (FHWA) ; Coleman, Clarence (FHWA) ; DiGiovanni, Matthew (FHWA) ; Fisher, Thomas (FHWA) ; Fortey, Nick (FHWA) ; Marlina, Susi (FHWA) ; Parry, Mark (FHWA) ; Price, Anna (FHWA) ; Price, Nathaniel (FHWA) ; Shami, Mike (FHWA) ; Thompson, Roger (FHWA) ; Washington, Kevin (FHWA) ; Broemmelsiek, John (FHWA) ; Burgos-Gomez, Ed (FHWA) ; Haynes, Emily (FHWA) ; Hu, Ajin (FHWA) ; Jackson, Jeremy (FHWA) ; Kaneshiro, Wayne (FHWA) ; King,

Danielle (FHWA) ; Takara, Richelle (FHWA) ; Walker, Kurt (FHWA)

Cc: ATTAIN ; Buck, Ryan (FHWA) ; Cuevas, Sharon (FHWA)

Subject: ACTION: GrantSolutions Recipient Access-ATTAIN

Importance: High

Good Morning ATTAIN FY 2023-24 Division Office POCs,

We need to identify the primary and secondary contacts for each grantee and have them apply for GrantSolutions access immediately.

The ATTAIN Recipients' GrantSolutions training is scheduled for Tuesday, April 29, 2025, from 1:00-3:00 pm EST. (I've attached the meeting invitation)

The first attachment is an email draft that you may use to reach out to the grantees. The ATTAIN Recipient GrantSolutions account application instructions are attached for the grantees to establish an account.

All new ATTAIN grant agreements will be executed through GrantSolutions.

The working draft desk references for FHWA internal staff access are here  [Desk Reference](#).

Please don't hesitate to reach out to me if you or the grantees have any questions.

It's GO TIME !!!

Thanks

Jim

James K. Garling, P.E.

Advanced Transportation Technology and Innovation (**ATTAIN**) and

Advanced Transportation and Congestion Mitigation Technologies Deployment Initiative (**ATCMTD**) Program Manager

U.S. Department of Transportation | Federal Highway Administration

Office of Operations (HOP) | Office of Transportation Management (HOTM-1)

Mail Stop: E84-418

1200 New Jersey Avenue, SE | Washington, DC 20590

☎ Phone: (803) 563-1198 | ✉ jim.garling@dot.gov

🌐 www.dot.gov | ✉ atcmttd@dot.gov | ✉ attain.gov

EXHIBIT B

***Note:** Prior to completing and submitting the **ATTAIN Grant Program** Grant Agreement Schedules, please review the Drafting Instructions and Additional Information sheet. Insert the required information as directed in the **Red Font** brackets. There should be no edits to the language in **Black Font**, which is required language for this competitive grant program.*

FEDERAL HIGHWAY ADMINISTRATION

ATTAIN GRANT PROGRAM

**SCHEDULES A TO H TO THE GRANT AGREEMENT WITH THE [INSERT RECIPIENT]
FOR THE**

[INSERT PROJECT NAME]

Only the language marked with an “X” is applicable.

_____ Schedules A to H of the Federal Highway Administration (FHWA) Grant Agreement

_____ Grant Agreement Amendment [insert amendment number]

**SCHEDULE A
ADMINISTRATIVE INFORMATION**

Only language marked with an “X” is applicable.

_____ Schedules A to H of the Federal Highway Administration (FHWA) Grant Agreement

_____ Grant Agreement Amendment [insert amendment number]

1. Application.

See GrantSolutions, Schedule E, and section 23.5 of the General Terms and Conditions.

2. Recipient’s Unique Entity Identifier.

See GrantSolutions and section 22.3 of the General Terms and Conditions.

3. Recipient Contact(s).

See GrantSolutions.

4. FHWA Project Contact(s).

See GrantSolutions.

5. Payment System.

Only language marked with an “X” is applicable.

USDOT Payment System:

_____ FMIS Current Bill (State DOT Recipient) _____ DELPHI eInvoicing (non-State DOT Recipient)

6. Office for Subaward and Contract Authorization.

Only language marked with an “X” is applicable.

For a State DOT Recipient:

_____ USDOT Office for Subaward and Contract Authorization: FHWA Division Office

For a non-State DOT Recipient:

_____ FHWA Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

7. Designated Subrecipient.

Only language marked with an “X” is applicable.

_____ There is no Designated Subrecipient.

_____ The Designated Subrecipient is: [insert the name of the Designated Subrecipient]

8. Progress and Financial Reporting.

Only language marked with an “X” is applicable.

___X___ Quarterly _____ Semiannual ___X___ Annual

**SCHEDULE B
PROJECT ACTIVITIES**

1. General Project Description.

All Project description changes from the application must be documented in Schedule E. See the application in GrantSolutions.

2. Statement of Work.

All changes to the statement of work (scope) from the application must be documented in Schedule E. This includes changes to the Project development phases and/or Project components described in the grant application. See the application in GrantSolutions.

SCHEDULE C AWARD DATES AND PROJECT SCHEDULE

Only language marked with an “X” is applicable.

_____ Schedules A to H of the Federal Highway Administration (FHWA) Grant Agreement

_____ Grant Agreement Amendment [insert amendment number]

1. Award Dates.

Budget Period End Date:

The budget period identifies the period of time from the start date of a funded portion of the award to the end date of that funded portion when eligible costs can be incurred (work performed) on a project for reimbursement with Grant funds under this agreement (2 CFR 200.1). See the Drafting Instructions and Additional Information sheet for more details.

Only language marked with an “X” is applicable.

_____ Federal Obligation Type is Single. Budget Period End Date: [insert month, date, and year].

_____ Federal Obligation Type is Multiple. See Table.

Fund Obligation	Budget Period Start Date	Budget Period End Date
First Fund Obligation [list project development phases using grant funds]	Effective Date of Grant Agreement	[insert month, date, and year]
Second Fund Obligation [list project development phases using grant funds]	Effective Date of Grant Agreement Amendment	[insert month, date, and year]

Period of Performance End Date: [insert month, date, and year]. Also see FMIS.

The period of performance means the interval between the start and end date of a Federal award. 2 C.F.R. 200.1. See the Drafting Instructions and Additional Information sheet for more details.

2. Estimated Project Schedule.

All changes to the Project schedule in the application must be documented in Schedule E. See the Drafting Instructions and Additional Information sheet for more details.

Only the language marked with an “X” in the table is applicable.

Selection	Grant Type	Milestone	Date
	Capital/Construction	Planned Substantial Completion and Open to Traffic Date:	[insert month and year]
	Planning	Planned Project Completion Date:	[insert month and year]
X	Non-Construction	Planned Project Completion Date:	[insert month and year]

3. Special Milestone Deadlines.

If the additional critical dates include railroad coordination agreements that need to be executed for this Project, add a milestone for each agreement, prefixed with “Railroad Coordination Agreement:” See section 21.6 of the General Terms and Conditions.

Milestone	Deadline Date
NEPA Completion Date	[insert month and year]
[insert milestone]	[insert month and year]

SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

Only language marked with an “X” is applicable.

 X Schedules A to H of the Federal Highway Administration (FHWA) Grant Agreement

 Grant Agreement Amendment [insert amendment number]

1. Award Amount.

Grant Amount: \$[insert total grant amount]

2. Federal Obligation Information.

Only language marked with an “X” is applicable.

 Under this grant agreement, the **Federal Obligation Type is Single** and all of the grant funds will be obligated in one obligation.

 Under this grant agreement the **Federal Obligation Type is Multiple** and the grant funds will be obligated as identified in the Fund Obligation Table in accordance with section 4.2 of the General Terms and Conditions.

If there are more than two fund obligations, add as many rows as needed.

Fund Obligation Table	
Portion of the Project	Portion of the Grant Amount
First Fund Obligation	[\$XXX]
Second Fund Obligation	[\$XXX]

3. Approved Project Budget.

Only language marked with an “X” is applicable.

 The Recipient is a State DOT and the Approved Project Budget is in FMIS. Also see schedule E for changes to the Project budget described in the application.

 The Recipient is a non-State DOT and the Approved Project Budget is in the Eligible Project Costs table below.

If there is only a single Project component, use only the total column and remove other columns. If there are more than two Project components, add columns.

Eligible Project Costs

	[Project Component 1]	[Project Component 2]	Total
Grant Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
State Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Local Funds:	[\$XXX]	[\$XXX]	[\$XXX]
In-Kind Match:	[\$XXX]	[\$XXX]	[\$XXX]
Other Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Total:	[\$XXX]	[\$XXX]	[\$XXX]

4. Approved Pre-award Costs

Only language marked with an “X” is applicable.

 X **None.** The FHWA has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458.

 Yes. The FHWA authorized advance construction. See FMIS.

 Yes. On [insert month, date, and year], [Recipient] sent a written request to the FHWA for pre-award approval under 2 C.F.R. 200.458 for costs to [insert activity]. The pre-award approval request would allow the Recipient to [describe the reason for pre-award authority]. [Recipient] requested pre-award approval for \$XXX in [insert grant program name] Grant funds or non-Federal funds for match.

The FHWA Office of Acquisition and Grants Management determined that the pre-award costs were incurred directly pursuant to the negotiation and in anticipation of the Federal award and were necessary for efficient and timely performance of the scope of work. That office issued a notice to proceed with pre-award costs on [insert month, date, and year].

5. General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “Federal Highway Administration Competitive Grant Program General Terms and Conditions” dated April 22, 2025, which is available at <https://www.fhwa.dot.gov/pgc/>. The General Terms and Conditions reference the information contained in the schedules A - H to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose legally binding terms on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action which may include but is not limited to terminating the Grant under this grant agreement, disallowing costs incurred for the Project, requiring the

Recipient to refund to the FHWA the Grant under this grant agreement, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

6. Special Terms and Conditions.

Only language marked with an “X” is applicable.

_____ There are no special terms and conditions.

_____ There are special terms and conditions for this Grant. For each condition, identify the special term title and insert the special term text. Repeat and modify as needed.

[Special Term Title].

[special term text]

7. Information Contained in the Federal Award

Notice of Funding Opportunity (NOFO): 693JJ324NF00005 11/20/2023

Assistance Listings Number (ALN): 20.200

SCHEDULE E PROJECT CHANGES

Only language marked with an “X” is applicable.

_____ **No Changes from Application:** If this option is selected, then only complete section 1 of schedule E.

_____ **Changes From Application:** The purpose of this section is to clearly and accurately document the changes in scope, schedule, and budget to establish the parties’ knowledge and acceptance of the changes.

_____ **Grant Agreement Amendment [insert amendment number]:** The purpose of this section is to clearly and accurately document the changes in scope, schedule, and budget to establish the parties’ knowledge and acceptance of the changes.

1. Federal Award Description: Refer to the [insert full application title as it appears on the SF 424] grant application submitted on [insert month, date, and year from Box 3 of the SF-424], which is incorporated by reference to the grant agreement.

2. Project Changes

Scope: (see *Drafting Instructions and Additional Information sheet for how to document scope changes*):

Schedule: (see *Drafting Instructions and Additional Information sheet for how to document schedule changes*):

The table below compares the Project milestone dates.

Only the language marked with an “X” in the table is applicable.

Selection	Grant Type	Milestone	Application	Agreement	Amendment [insert number]
	Capital/ Construction	Planned Substantial Completion and Open to Traffic Date:	[insert month and year]	[insert month and year]	[insert month and year]
	Planning	Planned Project Completion Date:	[insert month and year]	[insert month and year]	[insert month and year]
X	Non-Construction	Planned Project Completion Date:	[insert month and year]	[insert month and year]	[insert month and year]

Budget: (see *Drafting Instructions and Additional Information sheet for how to document budget changes*):

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Agreement		Amendment [insert number]	
	\$	%	\$	%		
Previously Incurred Costs						
Federal Funds						
Non-Federal Funds						
Total Previously Incurred Costs						
Future Eligible Project Costs						
Grant Funds						
Other Federal Funds						
Non-Federal Funds						
Total Future Eligible Project Costs						
Total Project Costs						

Other: (see *Drafting Instructions and Additional Information sheet for how to document other changes*):

SCHEDULE F
GRANT PROGRAM DESIGNATIONS

1. Urban or Rural Designation

Only language marked with an “X” is applicable.

_____ Not Applicable _____ Urban _____ Rural

2. Funding Source.

Only language marked with an “X” is applicable.

_____ Highway Trust Fund _____ General Funds

_____ Multiple Fund Sources (see table below)

Fiscal Year	Fund Source	Amount
		[\$XXX]
		[\$XXX]

3. Security Risk Designation.

Security Risk Designation: Elevated designation in accordance with section 17.1 of the General Terms and Conditions.

4. Project Designation.

Designation: Non-Construction

5. Funding Act.

23 U.S.C. § 503(c)(4)

Funds Obligation.

ATTAIN award funds are contract authority and must be obligated by the end of the third Fiscal Year (FY) after the year for which the funds are authorized (e.g., FY 2022 funds must be obligated by September 30, 2025). (23 U.S.C. 118(b)).

6. Cancellation Date.

[enter fund obligation deadline(s) for each funding source and year of funds, if applicable, or enter “Available until expended”]

SCHEDULE G
GRANT PERFORMANCE MEASUREMENT INFORMATION

Only language marked with an “X” is applicable.

 X Schedules A to H of the Federal Highway Administration (FHWA) Grant Agreement

 Grant Agreement Amendment [insert amendment number]

Study Area: [Insert description of study area for data collection]

Baseline Measurement Date: [insert month, date, and year]

Baseline Report Date: [insert month, date, and year]

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
[Insert Performance Measure]	[Performance Measure Category] [Performance Measure Description]	[quarterly <i>or</i> annual]
[Insert Performance Measure]	[Performance Measure Category] [Performance Measure Description]	[quarterly <i>or</i> annual]

SCHEDULE H LABOR AND WORK

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table are accurate:

	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. <i>(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain workers in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs, and proactive plans to prevent harassment. <i>(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)</i>
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. <i>(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with communities or community groups to develop workforce strategies. <i>(Describe the partnership and workforce strategies in the supporting narrative below.)</i>
	The Recipient or a project partner has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient or a project partner has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule E. <i>(Identify the relevant actions from schedule E in the supporting narrative below. See the Drafting Instructions and Additional Information sheet for more information.)</i>

	The Recipient or a project partner has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.
--	--

2. Supporting Narrative.

[Insert supporting text, as described in the table above.]

EXHIBIT C

From: [Teicher, Paul \(OST\)](#)
To: [Kraus, Samuel](#)
Subject: [EXTERNAL] SS4A FY23 Funding Awarded
Date: Thursday, December 14, 2023 4:34:25 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

To Whom It May Concern from New York City Department of Transportation,

The Implementation of Queens Boulevard Great Streets Transformation and Supplemental Planning for Vision Zero, for the Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2023 Safe Streets and Roads for All grant program, was selected for an award of \$29,750,000.00 in Federal funding. Congratulations! This funding is to implement projects, as well as conduct supplemental planning and/or carry out demonstration activities.

This email is not authorization to begin work, and it does not guarantee Federal funding. The United States Department of Transportation (USDOT) and New York City Department of Transportation UEI #CJF4TNNR4LX7 must establish and execute a signed, mutually agreed upon grant agreement prior to the obligation of award funds.

Immediate Next Steps: USDOT made the public announcements related to the awards on December 13th, 2023. See the [press release](#) and the award recipient list here: [FY 2023 SS4A Awards](#). We published a short summary of the proposal from your application on our Safe Streets and Roads for All website as part of the public announcement, pursuant to Section H Part 2 of the Notice of Funding Opportunity (NOFO). If you need to correct what is provided on our website once you see it, please let me know by emailing SS4A@dot.gov. The website link is <https://www.transportation.gov/grants/SS4A>.

What to Expect in the Next Few Weeks: My colleagues at the Federal Highway Administration (FHWA) are responsible for establishing and executing a SS4A grant agreement with New York City Department of Transportation. You can expect to hear from a FHWA representative with your State's FHWA Division Office in the near future. In the weeks ahead you will receive more information about next steps, including an invitation to a FHWA-sponsored webinar for grant recipients to describe the process leading to an executed grant agreement. The webinar will be recorded for those who are unable to attend and posted to the SS4A website. In the meantime, **if you have questions about next steps, please direct them to FHWA using the email SS4A.FHWA@dot.gov.**

Finally, we ask for your patience as we work diligently toward executing grant agreements so your important safety work may begin. FHWA staff will be working with hundreds of new grant recipients to expeditiously process new grant agreements, and this will take time.

It's exciting to see so many communities on the path to improving roadway safety, and the whole SS4A Program team is passionate about helping you succeed. Thank you for your commitment to roadway safety.

Paul



Paul D. Teicher
 Grantor, Safe Streets and Roads for All

Office of Policy Development and
Coordination Office of the Secretary of
Transportation

Summary of Award Information:

Project Name: Implementation of Queens Boulevard Great Streets Transformation and Supplemental Planning for Vision Zero

Applicant: New York City Department of Transportation

Unique Entity Identifier: CJF4TNNR4LX7

Grant Type: Implementation

SS4A Grant Funding Amount: \$29,750,000.00

Funds for Supplemental Planning and Demonstration Activities: \$6,000,000.00

Estimated Total Project Costs: \$250,607,530.50

Project Description: Queens Boulevard is a dangerous highway, ranking in the top 10 corridors in Queens County for crashes resulting in fatalities or serious injuries. The New York City Department of Transportation (NYC DOT) is re-imagining the corridor, enhancing the low-cost quick-build solutions already implemented to address safety issues resulting from being a vehicle-centric corridor, with limited crossing opportunities and facilities for vulnerable users, and higher vehicle speeds. Countermeasures include elevated crosswalks and pedestrian malls, enhanced medians and pedestrian refuge islands, and elevated protected bicycle lanes. The proposal also includes supplemental planning to enhance surveillance on traffic-related fatalities and injuries not routinely available in police crash reports. In addition, NYC DOT will retrofit a portion of fleet vehicles with active and centrally managed Intelligent Speed Assist to prevent speeding as a demonstration activity.

Preparing to Establish a Grant Agreement

The terms of the grant agreement will be in accordance with the FY 2023 SS4A NOFO and applicable Federal requirements. Below highlights key information to start becoming familiar with as the grant agreement development process begins.

- The **Period of Performance** will begin upon grant agreement execution, and will be a maximum of 5 years.
- **Scope of Activities:** Your award is to conduct implement projects, as well as supplemental planning and/or carry out demonstration activities.
 - **Implementation of Projects:** If your Implementation Grant project encompasses multiple project phases, funds will be obligated separately for each individual phase. Funds awarded for supplemental planning and demonstration activities cannot be shifted to cover project implementation costs.
 - **Supplemental Planning:** Funds awarded to conduct supplemental planning must result in a final written product that connects to, supports, and enhances an Action Plan. If your award does not include supplemental planning, please disregard.
 - **Demonstration Activities:** The funding awarded to carry out demonstration activities must inform an Action Plan's list of selected projects and strategies and their future implementation, and/or inform another part of the Action Plan. Demonstration activities are temporary in nature, and materials to be used must also be temporary and/or easily reversible. Additionally, demonstration activities must also measure potential benefits through data collection and evaluation as part of the grant agreement. Demonstration activities are subject to additional reviews and oversight to ensure compliance with Federal requirements, including but not limited to the National Environmental Policy Act. If your award does not include demonstration activities, please disregard.
- **2 CFR part 200:** All SS4A awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal

Awards found in [2 CFR part 200](#) (NOFO p. 36). We encourage awardees to take the [free FHWA training](#) on these requirements (https://www.nhi.fhwa.dot.gov/course-search?tab=1&key=231034&sf=0&course_no=231034).

- **Pre-Agreement Costs:** No costs incurred before USDOT signs and executes the grant agreement will be reimbursed or counted toward the 20% match or cost-share requirement.
- **Allowable Costs:** To be considered allowable, costs incurred must be reasonable, necessary, and allocable, as described in [2 CFR Part 200 Subpart E – Cost Principles](#).
- **Match and Cost-Sharing:** Grant recipients are required to contribute no less than a 20% non-Federal match. Please review: <https://www.transportation.gov/grants/ss4a/match-and-cost-share-examples>.
- **Maintenance Activities:** Maintenance activities for an existing roadway primarily to maintain a state of good repair are not an eligible activity.
- **Educational and Outreach Materials:** Any educational or outreach materials charged to the grant must align with the project goals and roadway safety. Costs of promotional items and memorabilia, including models, gifts, and souvenirs are unallowable. Costs of advertising and public relations designed solely to promote the non-Federal entity are unallowable. ([2 CFR 200.421](#)) USDOT's [Use of DOT Funds for Public Involvement FAQs](#) can assist in determining eligibility of related costs.

EXHIBIT D

1. **Federal Award No.**
2. **Effective Date**
See No. 16 Below
3. **Assistance Listings No.**
20.939
4. **Award To**
New York City Department of Transportation
55 Water Street
New York, NY 10041
5. **Sponsoring Office**
U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590
- Unique Entity Id.: CJF4TNNR4LX7
TIN No.: 136400434
6. **Period of Performance**
Effective Date of Award – 5 Years
7. **Total Amount**
Federal Share: \$29,750,000
Recipient Share: \$182,951,962
Other Federal Funds:
Other Funds:
Total: \$212,701,962
8. **Type of Agreement**
Grant
9. **Authority**
Section 24112 of the Infrastructure Investment and
Jobs Act (IIJA Pub. L. 117–58, November 15, 2021;
)
10. **Procurement Request No.**
[insert PR Number]
11. **Federal Funds Obligated**
Base Phase: Pre-NEPA – Supplemental Planning
\$3,600,000
Phase 1a: Procurement Demonstration Activities
\$2,400,000
Phase 2: Construction \$23,750,000
12. **Submit Payment Requests To**
See Article 20.
13. **Payment Office**
See Article 20
14. **Accounting and Appropriations Data**
[insert Data]

15. Description of the Project

The New York City Department of Transportation (NYCDOT) will lead on Queens Blvd safety improvements from Roosevelt Ave to 73rd street in queens to improve safety & reduce traffic speeds by expanding existing pedestrian walkways, installation of raised bike lanes, lighting, and landscaping.

New York City Department of Health and Mental Hygiene (DOHMH) is responsible for enhanced injury and mortality data surveillance that will supply details on traffic-related fatalities and injuries. This project will expand understanding of micro-mobility injuries in NYC.

New York City Department of Citywide Administrative Service (DCAS) is responsible for implementing a powerful tool Intelligent Speed Assist (ISA) to prevent crashes and improve safety through monitoring and limiting the speed of city fleet vehicles.

RECIPIENT

16. Signature of Person Authorized to Sign

Signature

Date

Name: Paul Ochoa

Title: Executive Deputy Commissioner

FEDERAL HIGHWAY ADMINISTRATION

17. Signature of Agreement Officer

Signature

Date

Name: David Villalobos

Title: Agreement Officer

U.S. DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT UNDER THE FISCAL YEAR 2023 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM

This agreement is between the United States Department of Transportation's (the "USDOT") Federal Highway Administration (the "FHWA") and the New York City Department of Transportation (the "Recipient").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("SS4A") Grant for the Implementation of Queens Boulevard Great Streets Transformation and Supplemental Planning for Vision Zero

The parties therefore agree to the following:

ARTICLE 1 GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

- (a) In this agreement, "General Terms and Conditions" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2023 Safe Streets and Roads for All ("SS4A") Grant Program," which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements> under "Fiscal Year 2023." Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient acknowledges that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (IIJA, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2
APPLICATION, PROJECT, AND AWARD

2.1 Application.

Application Title: **Safe Streets and Roads for All Funding Opportunity**

Application Date: **July 10, 2023**

2.2 Award Amount.

SS4A Grant Amount: \$29,750,000.

2.3 Federal Obligation Information.

Federal Obligation Type: Single Obligation

Obligation Condition Table		
Phase of the Project	Allocation of the SS4A Grant	Obligation Condition
Base Phase: Pre-NEPA – Supplemental Planning	SS4A: \$3,600,000	
Phase 1: Final Design Phase 1a: Procurement Demonstration Activities	SS4A: \$2,400,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the construction or final design and construction of an Implementation Project unless and until:

Obligation Condition Table		
Phase of the Project	Allocation of the SS4A Grant	Obligation Condition
(Intelligent Speed Assist) Phase 1b: Final Design Implementation (Queens Boulevard)	SS4A: \$0	<p>(1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (“NHPA”), and any other applicable environmental laws and regulations have been met; and</p> <p>(2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and</p> <p>(3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA’s notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement.</p> <p>Extent of activities that are permissible before NEPA is complete are those activities constituting “preliminary design” as specified in FHWA Order 6640.1A.</p>
Phase 2: Construction Phase 2: Implementation (Queens Boulevard)	SS4A: \$23,750,000	<p>The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the construction or final design and construction of an Implementation Project unless and until:</p> <p>(1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), Section 106 of the</p>

Obligation Condition Table		
Phase of the Project	Allocation of the SS4A Grant	Obligation Condition
		<p>National Historic Preservation Act (16 U.S.C. § 470f) (“NHPA”), and any other applicable environmental laws and regulations have been met; and</p> <p>(2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and</p> <p>(3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA’s notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement.</p> <p>Extent of activities that are permissible before NEPA is complete are those activities constituting “preliminary design” as specified in FHWA Order 6640.1A.</p>

2.4 Budget Period

Budget Period: See Block 6 of Page 1

2.5 Grant Designation.

Designation: **Implementation with Supplemental Plan & Demonstration Activities**

ARTICLE 3 SUMMARY PROJECT INFORMATION

3.1 Summary of Project's Statement of Work.

The project will be completed in **three phases as follows:**

Base Phase: Pre-NEPA – Supplemental Planning:

New York City Department of Health and Mental Hygiene (DOHMH) is responsible for enhanced injury and mortality data surveillance that will supply details on traffic-related fatalities and injuries. This project will expand understanding of micro-mobility injuries in NYC by using hospital and mortality data to describe the person injured and injury. Data will be collected at 50 hospitals with a focus on 23 trauma centers.

Phase 1: Final Design:

Phase 1a: Procurement Demonstration Activities:

New York City Department of Citywide Administrative Service (DCAS) is responsible for implementing Intelligent Speed Assist (ISA) to prevent crashes and improve safety through monitoring and limiting the speed of city fleet vehicles. The grant will procure and install intelligent speed assist in non-emergency city fleet vehicles. SS4A funds will be used for procurement and installation and local funds will complete the NEPA and systems analysis.

Phase 1b: Final Design Implementation (Queens Boulevard):

Final design for Queens boulevard was completed with local funds.

Phase 2: Construction Implementation (Queens Boulevard):

The New York City Department of Transportation (NYCDOT) will lead on Queens Blvd safety improvements from Roosevelt Ave to 73rd street in queens to improve safety & reduce traffic speeds by expanding existing pedestrian walkways, installation of raised bike lanes, lighting, and landscaping. SS4A funds will be used only for the construction phase with incorporated local match funds. Both NEPA and Final Design were completed through a State and Local Agreement (SLA) with the New York State Department of Transportation.

3.2 Project's Estimated Schedule.

Demonstration Activity Schedule

Milestone	Schedule Date
NEPA Completion Date:	December 12, 2024
Planned Construction Start Date	May 1, 2025
Planned Evaluation Period End Date:	May 2, 2026
Planned SS4A Final Report Date:	May 22, 2029

Supplemental Planning Schedule

Milestone	Schedule Date
NEPA Completion Date:	December 12, 2024
Planned Draft Plan Completion Date:	August 31, 2026
Planned Final Plan Completion Date:	December 31, 2026
Planned Final Plan Adoption Date:	December 31, 2027
Planned SS4A Final Report Date:	May 22, 2029

Implementation Schedule (Construction)

Milestone	Schedule Date
NEPA Completion Date:	June 7, 2021
Planned Construction Start Date	November 27, 2025
Planned Construction Substantial Completion and Open to Public Use Date:	November 22, 2029
Planned SS4A Final Report Date:	May 22, 2029

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$29,750,000
Other Federal Funds:	\$0
State Funds:	\$0

Local Funds:	\$ 182,951,962
In-Kind Match:	\$0
Other Funds:	\$0
Total Eligible Project Cost:	\$ 212,701,962

(b) Cost Classification Table – Planning and Demonstration Grants with demonstration activities and Implementation Grants Only

Cost Classification	Total Costs	Non-SS4A Previously Incurred Costs	Eligible Costs
Administrative and legal expenses	\$3,886,530	\$0	\$3,886,530
Project inspection fees	\$16,700,000	\$0	\$16,700,000
Construction	\$185,108,746	\$0	\$185,108,746
Equipment	\$3,000,000	\$0	\$3,000,000
Miscellaneous ¹	\$663,417	\$0	\$663,417
Contingencies	\$3,343,269	\$0	\$3,343,269
Project Total	\$ 212,701,962	\$ 0	\$212,701,962

(c) Indirect Costs

Indirect costs are allowable under this Agreement in accordance with 2 CFR part 200 and the Recipient’s approved Budget Application. In the event the Recipient’s indirect cost rate changes, the Recipient will notify FHWA of the planned adjustment and provide supporting documentation for such adjustment. This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient’s indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

¹ Miscellaneous Costs include stipends for advisory board and Trauma Center support small contracts.

ARTICLE 4

RECIPIENT INFORMATION

4.1 Recipient Contact(s).

Paul Ochoa
Executive Deputy Commissioner
New York City Department of Transportation
55 Water Street, New York, NY 10041
212-839-6938
POchoa@dot.nyc.gov

4.2 Recipient Key Personnel.

Name	Title or Position
Javed Alam	Project Manager
Anna Caffarelli	Special Projects Coordinator
Alfredo Melian	Executive Director of Fleet Systems

4.3 USDOT Project Contact(s).

Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-2822
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-33, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590

202-493-2402
HCFASS4A@dot.gov

and

Division Administrator – **New York**

Agreement Officer's Representative (AOR)
11A Clinton Ave, Ste 952
Albany, NY 12207
(518) 431-4127
NewYork.FHWA@dot.gov

and

Timothy O'Donoghue
NY Division Office Lead Point of Contact
Discretionary Grant Project Coordinator
11A Clinton Ave, Ste 952
Albany, NY 12207
518-431-8874
timothy.o'donoghue@dot.gov

and

Andrew Reovan
New York Division Office Point of Contact
Discretionary Grant Program Coordinator
11A Clinton Avenue, Suite 719
Albany, NY 12207
(617) 494-2419
Andrew.reovan@dot.gov

ARTICLE 5 USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the Agreement Officer (the “**AO**”) are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327.

In accordance with 2 CFR 200.308(f)(6), the recipient or subrecipient shall obtain prior written approval from the USDOT agreement officer for the subaward, if the subaward activities were not proposed in the application or approved in the Federal award. This provision is in accordance with 2 CFR 200.308 (f) (6) and does not apply to procurement transactions for goods and services. Approval will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred within the budget period of this agreement if those costs do not exceed the amount of funds obligated and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI iSupplier System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF-270 (Request for Advance or Reimbursement) or SF-271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.
- (c) The Recipient’s supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient’s share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the Agreement Officer’s Representative (the “**AOR**”) may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the AOR reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) In the rare instance the Recipient is unable to receive electronic funds transfers (EFT), payment by EFT would impose a hardship on the Recipient because of their inability to manage an account at a financial institution, and/or the Recipient is unable to use the DELPHI iSupplier System to submit their requests for disbursement, the FHWA may waive the requirement that the Recipient use the DELPHI iSupplier System. The Recipient shall contact the Division Office Lead Point of Contact for instructions on and requirements related to pursuing a waiver.

- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

ARTICLE 6 SPECIAL GRANT TERMS

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4 in this agreement.
- 6.2.** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.
- 6.3** SS4A Funds will be allocated to the Recipient and made available to the Recipient in accordance with FHWA procedures.
- 6.4** The Recipient of a Planning and Demonstration Grant acknowledges that the **Supplemental Action Plan** will be made publicly available and agrees that it will publish the final **Supplemental Action Plan** on a publicly available website.
- 6.5** The Recipient of a Planning and Demonstration Grant that involves a demonstration activity agrees to provide an assessment of each demonstration activity and update the existing Action Plan, which will incorporate the information gathered in the Action Plan's list of projects or strategies and/or inform another part of the existing Action Plan. The Recipient also agrees that demonstration activities are temporary in nature and must be removed and/or ended following the conclusion of the project if the assessment of the demonstration activities does not affirm that the activities provide safety benefits.
- 6.6** The Recipient of an Implementation Grant agrees to update its Action Plan within two years of the date of this agreement to: align with all Comprehensive Safety Action Plan components in Table 1 of the SS4A FY 2023 NOFO corresponding with any "no" responses in the Self-Certification Eligibility Worksheet; ensure that the Action Plan's safety focus includes all road users, including pedestrians, bicyclists, and motor vehicle safety; and ensure that the Action Plan was last updated not more than three years prior.
- 6.7** The Recipient acknowledges that it is required to conduct certain environmental analyses and to prepare and submit to FHWA, or State with applicable NEPA Assignment authority, documents required under NEPA, and other applicable environmental statutes and regulations before the Government will obligate funds

for Option Phase 1 under this agreement and provide the Recipient with a written notice to proceed with Option Phase 1.

- 6.8** The Government's execution of this agreement does not in any way constitute pre-approval or waiver of any of the regulations imposed upon Recipient under the applicable Federal rules, regulations and laws regarding SS4A projects undertaken in accordance with the terms and conditions of this agreement. The Recipient shall comply with all applicable Federal requirements before incurring any costs under this agreement.
- 6.9** There are no other special grant requirements.

ATTACHMENT A PERFORMANCE MEASUREMENT INFORMATION

Study Area: From Roosevelt Ave to 73rd street in Queens

Baseline Measurement Date: September 2025

Baseline Report Date: November 2025

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Fatalities: Total annual fatalities in the project location(s)	Annually and within 120 days after the end of the period of performance
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Serious Injuries: Total annual serious injuries in the project location(s) [if available]	Annually and within 120 days after the end of the period of performance
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Crashes by Road User Category: Total annual crashes in the project location(s) broken out by types of roadway users involved (e.g., pedestrians, bicyclists, motorcyclist, passenger vehicle occupant, commercial vehicle occupant)	Annually and within 120 days after the end of the period of performance

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Costs [for all Grants]	Project Costs: Quantification of the cost of each eligible project carried out using the grant	Within 120 days after the end of the period of performance
Outcomes and Benefits [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Quantitative Project Benefits: Quantification of evidence-based projects or strategies implemented (e.g., miles of sidewalks installed, number of pedestrian crossings upgraded, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Qualitative Project Benefits: Qualitative description of evidence-based projects or strategies implemented (e.g., narrative descriptions, testimonials, high-quality before and after photos, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Project Location(s): GIS/geo coordinate information identifying specific project location(s)	Within 120 days after the end of the period of performance

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Lessons Learned and Recommendations [for all Grants]	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.	Within 120 days after the end of the period of performance

ATTACHMENT B

CHANGES FROM APPLICATION

Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of Attachment B is to clearly and accurately document any differences in scope, schedule, and budget to establish the parties’ knowledge and acceptance of those differences. See Article 11 for the Statement of Work, Schedule, and Budget Changes. If there are no changes, please insert “N/A” in Section 3.3 of the table.

Scope: N/A

Schedule: Plans, Specifications, and Estimate (PS&E) is still waiting approval from the New York State Department of Transportation (NYSDOT) & Federal Highway Administration (FHWA). Schedule will be adjusted accordingly.

Budget:

Justification of variance between grant application and 95% estimate: The grant application estimate was developed based on 40% final design drawings. The estimate has been further developed using updated design. Primarily, variances are related to decreased cost of Resident Engineer and Inspection (REI), highway items and water main items, and increased cost of signals, streetlights and private utility items.

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds	0	0		
Non-Federal Funds	0	0		
Total Previously Incurred Costs	0	0		
Future Eligible Project Costs				
SS4AFunds	\$36,600,000	13.76%	\$29,750,000	14%
Other Federal Funds				
Non-Federal Funds	\$229,312,530	86.23%	\$182,951,962	86%

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Total Future Eligible Project Costs	\$265,912,530	100	\$212,701,962	100
Total Project Costs	\$265,912,530	100	\$ 212,701,962	100

ATTACHMENT C

[RESERVED]

ATTACHMENT D

[RESERVED]

ATTACHMENT E LABOR AND WORKFORCE

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table align with the application:

X	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. <i>(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain workers in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs, and proactive plans to prevent harassment. <i>(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)</i>
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. <i>(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with communities or community groups to develop workforce strategies. <i>(Describe the partnership and workforce strategies in the supporting narrative below.)</i>
	The Recipient or a project partner has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient or a project partner has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
	The Recipient or a project partner has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

Pursuant to the authority granted to the City of New York (the “City”) under New York State Labor Law Section 816-b, for any construction project that exceeds \$3M, the City requires that a certain notice be included in the solicitation with respect to apprenticeship requirements. Specifically, the contractors awarded construction contracts over \$3M, along with their subcontractors, must have apprenticeship agreements appropriate for the type and scope of work to be performed that have been registered with, and approved by, the New York State Commissioner of Labor. This notice will be included in this federally funded construction project.

**ATTACHMENT F
CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE**

1. Efforts to strengthen the Security and Resilience of Critical Infrastructure against both Physical and Cyber Threats.

The Recipient states that rows marked with “X” in the following table are accurate:

X	The Recipient demonstrates, prior to the signing of this agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities.
	The Recipient appropriately considered and addressed physical and cyber security and resilience in the planning, design and oversight of the project, as determined by the Department and the Department of Homeland Security.
	The Recipient complies with 2 CFR 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

2. Supporting Narrative.

Intelligent Speed Assistance (ISA) is a smart-vehicle technology that uses GPS to detect the speed limit where a vehicle is traveling, and then physically prevents that vehicle from accelerating past the detected speed limit. This technology is currently installed on 450 NYC owned vehicles and 50 NYC contracted school buses that were part of a pilot study analyzing the technology’s effectiveness. The study concluded that ISA technology

reduced vehicle speeding by 64% compared to a peer control group that did not have ISA installed. According to the National Highway Traffic Safety Administration, 12,151 deaths in the United States in 2022 were due to vehicles speeding, accounting for 29% of all traffic fatalities that year.

ISA is managed centrally through an encrypted and password protected web application. Access to this portal and the ability to adjust vehicle speed parameters is strictly limited to within DCAS Fleet. The physical device that limits vehicle speed is secured and hidden within the vehicle interior.

~~Queens Boulevard Phase A: The project will install a safer, protected two-way grade-separated bike path that strengthens the connection along the corridor. This project will also enhance pedestrian safety through re-building existing sidewalks, widening of the service malls, and converting 60th St intersection to a raised intersection. Bus stops will also be relocated to the mainline along with bus-only lanes to increase efficiency and safety. These interventions improve visibility, reduce crossing distance and calm traffic, minimizing exposure of pedestrian and bike users to moving traffic.~~